UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
Soothed of New York		
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IN RE VEECO INSTRUMENTS INC.	:	
SECURITIES LITIGATION	:	05 MD 1695 (CM)(GAY)
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THIS DOCUMENT RELATES TO: ALL ACTIONS	X	
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DECLARATION OF J. ROSS WALLIN IN SUPPORT OF DEFENDANTS'
OPPOSITION TO LEAD PLAINTIFF'S MOTION TO VACATE AND REVERSE
THE DISCOVERY ORDER OF MAGISTRATE JUDGE GEORGE A. YANTHIS

<u>DATED JANUARY 26, 2007</u>

## **REDACTED**

(ORIGINAL NON-REDACTED VERSION FILED UNDER SEAL PURSUANT TO CONFIDENTIALITY ORDER DATED MAY 16, 2006)

GIBSON, DUNN & CRUTCHER LLP 200 Park Avenue New York, New York 10166-0193 Phone: (212) 351-4000 Fax: (212) 351-4035

Attorneys for Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr. and John P. Kiernan

- J. ROSS WALLIN declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:
- 1. I am a lawyer with the law firm of Gibson, Dunn & Crutcher LLP, counsel to Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr., and John P. Kiernan in this action.
- 2. Attached hereto as Exhibit A is a true and correct copy of a letter from Defendants to the Court, dated February 15, 2007, regarding Lead Plaintiff's request to reschedule remaining depositions.
- 3. Attached hereto as Exhibit B is a true and correct copy of an email and attached schedule, dated December 4, 2006, from Defendants to Lead Plaintiff regarding scheduling of depositions.
- 4. Attached hereto as Exhibit C is a true and correct copy of a letter from Defendants to Lead Plaintiff, dated January 19, 2007, regarding scheduling of depositions.
- 5. Attached hereto as Exhibit D is a true and correct copy of a letter from Defendants to Lead Plaintiff, dated January 25, 2007, regarding scheduling of depositions after the stipulation to extend the discovery schedule.
- 6. Attached hereto as Exhibit E is a true and correct copy of a letter from Defendants to Lead Plaintiff, dated January 31, 2007, regarding scheduling of depositions

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## REDACTED

7. Attached hereto as Exhibit F is a true and correct copy of a letter from Lead Plaintiff to Defendants, dated January 30, 2007, requesting information regarding Defendants' search of backup tapes.

Attached hereto as Exhibit G is a true and correct copy of a letter from 8. Defendants to Lead Plaintiff, dated February 2, 2007, providing information regarding Defendants' search of backup tapes.

Executed on February 21, 2007

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